

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
<b>RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371</b>		Docket Number: <b>10537/329</b>	
		International Application No.: <b>PCT/DE04/02368</b>	
Application Number <b>10/578,927</b>	International Filing Date <b>October 23, 2004</b>	Examiner <b>To be assigned</b>	Art Unit <b>To be assigned</b>
Invention Title <b>METHOD FOR CHECKING A BORE HOLE</b>		Inventor(s) <b>Erwin BAYER et al.</b>	

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

S I R:

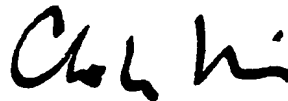
In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed December 1, 2006, Applicants submit herewith an executed Declaration (5 pages) in order to complete the filing requirements for the U.S. national phase of the above-identified PCT application. Applicants also enclose a copy of the Notification as required.

Regarding the contention that "[t]he translation of Annexes are canceled since the translations were not submitted prior to 30 months from the priority date," this contention is not understood since there were no annexes to an international preliminary examination report in connection with the underlying PCT application.

1. The U.S. Patent and Trademark Office is authorized to charge the **\$130.00** (large entity) fee to cover the surcharge for late filing of the Declaration to Deposit Account No. **11-0600**. Should any additional fees be required, the U.S. Patent and Trademark Office is authorized to charge them to Deposit Account No. **11-0600**.
2. A copy of this paper is enclosed for charging purposes.

Dated: February 1, 2007

By:



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**CUSTOMER NO. 26646**

02/05/2007 MKAYPAGH 00000017 110600 10578927  
01 FC:1617 130.00 DA



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/578,927	Erwin Bayer	10537/329

INTERNATIONAL APPLICATION NO.
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PCT/DE04/02368

IA. FILING DATE	PRIORITY DATE
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10/23/2004

11/06/2003

26646  
 KENYON & KENYON LLP  
 ONE BROADWAY  
 NEW YORK, NY 10004

CONFIRMATION NO. 3852

371 FORMALITIES LETTER



\*OC000000021439114\*

Date Mailed: 12/01/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/08/2006
- English Translation of the IA filed on 05/08/2006
- Copy of the International Search Report filed on 05/08/2006
- Copy of IPE Report filed on 05/08/2006
- Copy of Annexes to the IPER filed on 05/08/2006
- Preliminary Amendments filed on 05/08/2006
- Information Disclosure Statements filed on 06/26/2006
- Oath or Declaration filed on 05/08/2006
- Request for Immediate Examination filed on 05/08/2006
- U.S. Basic National Fees filed on 05/08/2006
- Substitute Specification filed on 05/08/2006
- Priority Documents filed on 05/08/2006
- Power of Attorney filed on 05/08/2006
- Non-English Language Application filed on 05/08/2006
- Specification filed on 05/08/2006
- Claims filed on 05/08/2006
- Abstracts filed on 05/08/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does

not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

Additionally the following defects have been observed:

- The translations of Annexes are canceled since the translations were not submitted prior to 30 months from the priority date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

BARBARA A CAMPBELL

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#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/578,927	PCT/DE04/02368	10537/329